



March 28, 2001

ENGROSSED HOUSE BILL No. 1792

DIGEST OF HB 1792 (Updated March 27, 2001 11:49 AM - DI 92)

Citations Affected: IC 6-6; IC 9-13; IC 9-18; noncode.

Synopsis: Vehicle plates and registration. Authorizes the bureau of motor vehicles to issue a license plate for each commercial vehicle registered to the registered owner of at least 25 commercial vehicles. Authorizes the bureau of motor vehicles to issue a certificate of registration that must be carried at all times in the vehicle for which it is issued, if the registered owner of at least 25 commercial vehicles submits the application of registration for the commercial vehicles on an aggregate basis by electronic means. Provides that rules adopted prescribing that a license plate is valid for five years may not apply to certain truck license plates. Permits a registered owner of a commercial vehicle who has a loss, destruction, or mutilation of a license plate to report the loss, mutilation, or destruction to a law enforcement agency or the bureau of motor vehicles. Authorizes International Fuel Tax Agreement and International Registration Plan repair and maintenance permits. Defines "commercial vehicle". Makes conforming amendments.

Effective: Upon passage; July 1, 2001.

Cook

(SENATE SPONSORS — RIEGSECKER, CRAYCRAFT)

January 17, 2001, read first time and referred to Committee on Roads and Transportation.
February 21, 2001, amended, reported — Do Pass.
February 26, 2001, read second time, ordered engrossed.
February 27, 2001, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 5, 2001, read first time and referred to Committee on Transportation and Interstate Cooperation.
March 27, 2001, amended, reported favorably — Do Pass.

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March 28, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1792

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-6-4.1-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) A carrier may,
3 in lieu of paying the tax imposed under this chapter that would
4 otherwise result from the operation of a particular commercial motor
5 vehicle, obtain from the department a trip permit authorizing the carrier
6 to operate the commercial motor vehicle for a period of five (5)
7 consecutive days. The department shall specify the beginning and
8 ending days on the face of the permit. The fee for a trip permit for each
9 commercial motor vehicle is fifty dollars (\$50). The report otherwise
10 required under section 10 of this chapter is not required with respect to
11 a vehicle for which a trip permit has been issued under this subsection.
12 (b) The department may issue a temporary written authorization if
13 unforeseen or uncertain circumstances require operations by a carrier
14 of a commercial motor vehicle for which neither a trip permit described
15 in subsection (a) nor an annual permit described in section 12 of this
16 chapter has been obtained. A temporary authorization may be issued
17 only if the department finds that undue hardship would result if

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operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

(1) pay the trip permit fee at the time the temporary authorization is issued; or

(2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain ~~a~~ **an International Fuel Tax Agreement (IFTA)** repair and maintenance permit to:

(1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

(2) return to the same state after the repair or maintenance is completed.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all of the motor vehicles operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the permit. A carrier may operate a motor vehicle under the permit in lieu of paying the tax imposed under this chapter. The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may pay an annual IFTA repair and maintenance fee of forty dollars (\$40) and receive an IFTA annual repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23). The report otherwise required under section 10 of this chapter is not required with respect to a motor vehicle that is operated under the ~~an~~ **IFTA annual repair and maintenance permit**.

(d) A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:

(1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

(2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying

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1 apporportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7,
 2 a carrier may pay an annual IRP repair and maintenance fee of
 3 forty dollars (\$40) and receive an IRP annual repair and
 4 maintenance permit. The IRP annual repair and maintenance
 5 permit and fee applies to all of the motor vehicles operated by a
 6 carrier. The IRP annual repair and maintenance permit is not
 7 transferable to another carrier. A carrier may not carry cargo or
 8 passengers under the IRP annual repair and maintenance permit.
 9 All fees collected under this subsection shall be deposited in the
 10 motor carrier regulation fund (IC 8-2.1-23).

11 (e) A carrier may obtain a repair, maintenance, and relocation
 12 permit to:

13 (1) move a yard tractor from a terminal or loading or spotting
 14 facility to:

15 (A) a maintenance or repair facility; or

16 (B) another terminal or loading or spotting facility; and

17 (2) return the yard tractor to its place of origin.

18 The fee for the permit is forty dollars (\$40). The permit is an annual
 19 permit and applies to all yard tractors operated by the carrier. The
 20 permit is not transferable to another carrier. A carrier may not carry
 21 cargo or transport or draw a semitrailer or other vehicle under the
 22 permit. A carrier may operate a yard tractor under the permit instead of
 23 paying the tax imposed under this chapter. A yard tractor that is being
 24 operated on a public highway under this subsection must display a
 25 license plate issued under IC 9-18-32. As used in this section, "yard
 26 tractor" has the meaning set forth under IC 9-13-2-201.

27 ~~(e)~~ (f) The department shall establish procedures, by rules adopted
 28 under IC 4-22-2, for:

29 (1) the issuance and use of trip permits, temporary authorizations,
 30 and repair and maintenance permits; and

31 (2) the display in commercial motor vehicles of evidence of
 32 compliance with this chapter.

33 SECTION 2. IC 9-13-2-31.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2001]: **Sec. 31.5. "Commercial vehicle", for purposes of**
 36 **IC 9-18-2-4.5, means a motor vehicle or combination of motor**
 37 **vehicles used in commerce to transport property if the motor**
 38 **vehicle:**

39 (1) has a gross combination weight rating of at least
 40 twenty-six thousand one (26,001) pounds, including a towed
 41 unit with a gross vehicle weight rating of more than ten
 42 thousand (10,000) pounds;



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(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds; or

(3) meets both of the following requirements:

(A) The motor vehicle has a gross vehicle weight rating of at least seven thousand (7,000) pounds, but less than twenty-six thousand one (26,001) pounds.

(B) The motor vehicle is owned by a registered carrier holding a valid Indiana fuel tax permit under IC 6-6-4.1.

SECTION 3. IC 9-13-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 201. "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under ~~IC 6-6-4.1-13(d)~~ IC 6-6-4.1-13(e) if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility.

SECTION 4. IC 9-18-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) Upon payment of the annual registration fee under IC 9-29-5, and any applicable commercial vehicle excise tax under IC 6-6-5.5, the bureau may issue a license plate for each commercial vehicle registered to the registered owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is valid for five (5) years.

(b) If the registered owner of at least twenty-five (25) commercial vehicles submits the application of registration for the commercial vehicles on an aggregate basis by electronic means, the bureau shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

(1) sells;

(2) disposes of; or

(3) does not renew the registration of;

the commercial vehicle. Neither the certificate of registration nor the plate may be transferred to another vehicle.

(d) This section does not relieve the owner of the vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) The bureau shall adopt rules under IC 4-22-2 necessary to administer this section.

SECTION 5. IC 9-18-2-47 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section ~~may~~ do not apply to:

(1) low digit license plates issued under ~~IC 9-18-2-28~~; **section 28 of this chapter;**

(2) personalized license plates issued under IC 9-18-15;

(3) **truck license plates issued under section 4.5 or 18 of this chapter;** and

(4) general assembly and other state official license plates issued under IC 9-18-16.

SECTION 6. IC 9-18-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (b) and (e)**, if a license plate is:

(1) lost;

(2) mutilated; or

(3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a duplicate or a replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a license plate is lost, the bureau may not issue a duplicate or replacement license plate until the person in whose name the plate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost.

(c) A law enforcement agency to whom a loss is reported shall complete and present to the person reporting the loss a form provided by the bureau indicating that the loss has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a replacement license plate may be obtained.

(e) If a license plate for a commercial vehicle is lost, mutilated, or destroyed, the person in whose name the plate was issued shall notify:

(1) the Indiana law enforcement agency that has jurisdiction where the loss occurred; and

(2) the bureau;



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that the original license plate has been lost, mutilated, or destroyed. In order to receive a duplicate or a replacement license plate, the person in whose name the license plate was issued must complete and submit to the bureau an application and affidavit designed by the bureau.

(f) The bureau shall charge a fee for a duplicate or replacement license plate under subsections (b) and (e) as set forth in IC 9-29-5-17.

SECTION 7. IC 9-18-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The bureau shall design and manufacture yard tractor repair, maintenance, and relocation permit license plates as needed to administer this chapter.

(b) The license plate designed and manufactured under this section must:

- (1) be designed for display on a yard tractor;
- (2) be designed to be transferable between yard tractors operated by the carrier; and
- (3) designate the yard tractor as a yard tractor permitted to operate on a public highway under ~~IC 6-6-4.1-13(d)~~ IC 6-6-4.1-13(e).

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-18-2-47, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-18-2-47, as amended by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 9-18-2-47, as amended by this act.
- (2) December 31, 2001.

SECTION 9. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1792, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would otherwise result from the operation of a particular commercial motor vehicle, obtain from the department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period of five (5) consecutive days. The department shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars (\$50). The report otherwise required under section 10 of this chapter is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

(b) The department may issue a temporary written authorization if unforeseen or uncertain circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been obtained. A temporary authorization may be issued only if the department finds that undue hardship would result if operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

- (1) pay the trip permit fee at the time the temporary authorization is issued; or
- (2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain ~~a~~ **an International Fuel Tax Agreement (IFTA)** repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

~~The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all of the motor vehicles operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the permit. A carrier may operate a motor vehicle under the permit in lieu of paying the tax imposed under this chapter. The permit allows the travel described in this section.~~

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In addition to any other fee established in this chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may pay an annual IFTA repair and maintenance fee of forty dollars (\$40) and receive an IFTA annual repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23). The report otherwise required under section 10 of this chapter is not required with respect to a motor vehicle that is operated under the an IFTA annual repair and maintenance permit.

(d) A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying apportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7, a carrier may pay an annual IRP repair and maintenance fee of forty dollars (\$40) and receive an IRP annual repair and maintenance permit. The IRP annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IRP annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IRP annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23).

(e) A carrier may obtain a repair, maintenance, and relocation permit to:

- (1) move a yard tractor from a terminal or loading or spotting facility to:
 - (A) a maintenance or repair facility; or
 - (B) another terminal or loading or spotting facility; and
- (2) return the yard tractor to its place of origin.

The fee for the permit is forty dollars (\$40). The permit is an annual

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permit and applies to all yard tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate a yard tractor under the permit instead of paying the tax imposed under this chapter. A yard tractor that is being operated on a public highway under this subsection must display a license plate issued under IC 9-18-32. As used in this section, "yard tractor" has the meaning set forth under IC 9-13-2-201.

~~(e)~~ **(f)** The department shall establish procedures, by rules adopted under IC 4-22-2, for:

- (1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance permits; and
- (2) the display in commercial motor vehicles of evidence of compliance with this chapter."

Page 1, line 3, delete ""Commercial" and insert **"(a) Except as provided in subsection (b), "commercial"**.

Page 1, line 4, delete "9-18-2, has the meaning set forth in IC 9-18-2-0.5." and insert **"9-18-2-4.5, means a motor vehicle or combination of motor vehicles used in commerce to transport property if the motor vehicle:**

- (1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds; or**
- (2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds.**

(b) The bureau of motor vehicles may, by rule, broaden the definition of commercial motor vehicle under subsection (a) to include lighter vehicles for purposes of IC 9-18-2-4.5."

Page 1, delete lines 5 through 8, begin a new paragraph and insert:
 "SECTION 3. IC 9-13-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 201. "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under ~~IC 6-6-4.1-13(d)~~ **IC 6-6-4.1-13(e)** if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility."

Page 1, line 13, delete "permanent".

Page 1, line 14, after "each" insert **"commercial"**.

Page 1, line 14, delete "one" and insert **"twenty-five (25)"**.

Page 1, line 15, delete "hundred (100)".

Page 1, line 15, delete "permanent".



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Page 1, line 15, after "plate" insert "**issued under this section**".

Page 1, line 16, after "for" delete "the" and insert "a".

Page 1, line 16, delete "may contain the words "no expiration " and insert "**is valid for five (5) years.**".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 2, delete "one hundred (100)" and insert "**twenty-five (25)**".

Page 2, line 5, delete "permanent".

Page 2, line 7, delete "permanent".

Page 2, line 29, delete "33" and insert "**4.5 or 18**".

Page 3, line 1, delete "for a vehicle other than a vehicle (other than)".

Page 3, delete line 2.

Page 3, line 3, delete "thousand (26,000) pounds, a tractor, or a truck-tractor".

Page 3, line 11, delete "under".

Page 3, line 12, delete "subsection (b)".

Page 3, line 17, after "for a" insert "**commercial**".

Page 3, line 17, delete "(other than a bus) having a".

Page 3, delete line 18.

Page 3, line 19, delete "pounds, a tractor, or a truck-tractor".

Page 3, line 20, delete "may" and insert "**shall**".

Page 3, line 23, delete "or" and insert "**and**".

Page 3, line 24, delete "law enforcement agency that has jurisdiction over the" and insert "**bureau;**".

Page 3, delete line 25.

Page 3, between lines 33 and 34, begin a new paragraph and insert:
 "SECTION 7. IC 9-18-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The bureau shall design and manufacture yard tractor repair, maintenance, and relocation permit license plates as needed to administer this chapter.
 (b) The license plate designed and manufactured under this section must:
 (1) be designed for display on a yard tractor;
 (2) be designed to be transferable between yard tractors operated by the carrier; and
 (3) designate the yard tractor as a yard tractor permitted to operate on a public highway under ~~IC 6-6-4.1-13(d)~~ **IC 6-6-4.1-13(e)**".

Page 3, delete lines 34 through 42.

Page 4, delete lines 1 through 38.

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.
(Reference is to HB 1792 as introduced.)

COOK, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1792, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 35, delete "(a) Except as provided in subsection (b),".

Page 3, line 36, delete ""commercial" and insert ""**Commercial**".

Page 3, line 42, delete "or".

Page 4, line 2, delete "." and insert "; or".

Page 4, delete lines 3 through 5, begin a new line block indented and insert:

"(3) meets both of the following requirements:

(A) The motor vehicle has a gross vehicle weight rating of at least seven thousand (7,000) pounds, but less than twenty-six thousand one (26,001) pounds.

(B) The motor vehicle is owned by a registered carrier holding a valid Indiana fuel tax permit under IC 6-6-4.1."

and when so amended that said bill do pass.

(Reference is to HB 1792 as printed February 22, 2001.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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